

#37

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|--|-----------------------------|---------------------------------|
| <b>PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED<br/>UNAVOIDABLY UNDER 37 CFR 1.137(a)</b>   |                             | <b>Docket Number (Optional)</b> |
| First Named Inventor: <u>Richard Mettke</u>  | Art Unit: <u>2643</u>       |                                 |
| Application Number: <u>09/134,831</u>  | Examiner: <u>Stella Woo</u> |                                 |
| Filed: <u>AUGUST 17, 1998</u>  |                             |                                 |
| Title: <u>ON-LINE COMMUNICATIONS TERMINAL APPARATUS</u>  |                             |                                 |
| Attention: Office of Petitions<br>Mail Stop Petition<br>Commissioner for Patents<br>P.O. Box 1450<br>Alexandria, VA 22313-1450   |                             |                                 |
| NOTE: If information or assistance is needed in completing this form, please contact<br>Petitions Information at (703) 305-9382.   |                             |                                 |
| The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by<br>the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the<br>period set for reply in the Office notice or action plus any extensions of time actually obtained.   |                             |                                 |
| APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION.<br>NOTE: A grantable petition requires the following items:<br>(1) Petition fee.<br>(2) Reply and/or issue fee.<br>(3) Terminal disclaimer with disclaimer fee required for all utility and plant applications filed<br>before June 8, 1995, and for all design applications; and<br>(4) Adequate showing of the cause of unavoidable delay.               |                             |                                 |
| 1. Petition fee<br><input checked="" type="checkbox"/> Small entity - fee \$ <u>55</u> (37 CFR 1.17(i)). Applicant claims small entity status.<br>See 37 CFR 1.27.<br><input type="checkbox"/> Other than small entity - fee \$ _____ (37 CFR 1.17(i)).  |                             |                                 |
| 2. Reply and/or fee<br>A. The reply and/or fee to the above-noted Office action in the form of _____ (identify the type of reply):<br><input type="checkbox"/> has been filed previously on _____<br><input checked="" type="checkbox"/> is enclosed herewith.<br>B. The issue fee of \$ <u>55.00</u><br><input type="checkbox"/> has been filed previously on _____<br><input type="checkbox"/> is enclosed herewith. |                             |                                 |

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### PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNAVOIDABLY UNDER 37 CFR 1.137(a)

#### 3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. An adequate showing of the cause of the delay, and that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(a) was unavoidable, is enclosed.

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

8-18-03

Date

861  
614-424-1847

Telephone Number

*[Signature]*

Signature

Richard Mettke

Typed or printed name

7921 Panay Court

Address

Reynoldsburg, OH 43068

Address

Registration Number, if applicable

- Enclosure ☒ Fee Payment
- ☒ Reply
- ☐ Terminal Disclaimer Form
- ☒ Additional sheets containing statements establishing unavoidable delay
- ☐ \_\_\_\_\_

\* note new address

#### CERTIFICATE OF MAILING OR TRANSMISSION (37 CFR 1.8(a))

I hereby certify that this correspondence is being:

- ☐ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

- ☒ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 308-6916.

8-18-03

Date

*[Signature]*

Signature

Richard Mettke

Typed or printed name of person signing certificate

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED  
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

**NOTE:** The following showing of the cause of unavoidable delay must be signed by all applicants or by any other party who is presenting statements concerning the cause of delay.

8-18-03

Date



Signature

Richard P. Mettke

Typed or printed name

Registration Number, if applicable

(In the space provided below, please explain in detail the reasons for the delay in filing a proper reply.)

See Attached enclosure

(Please attach additional sheets if additional space is needed.)

Application Number 09/134,831

**Enclosure to Petition For Revival of An Application For Patent Abandoned  
Unavoidably Under 37 CFR 1.137 (a), Application number 09/134,831**

The following response is provided to support the delay in filing a proper reply:


The main rationale that the applicant can provide for not responding with a proper reply was that examiner in this case kept responding to amendments and other office actions provided by the applicant leading him to believe that a favorable action was pending.

Because of the examiners continued responses, and applicant's pursuit of moving the process forward, the applicant was unaware of the time constraints. He in fact filed a petition to the commissioner within the time frame that the Examiner provided in her last office action for a response.

In the time period between the applicants "Petition to the Commissioner ( 25 NOV 02) and the date of the now known "Abandonment", the applicant provided no less than three responses/amendments. Furthermore, the applicant had asked the Examiner on many occasions for constructive assistance and clarification, to no avail. Applicant requests, in light of the above information, that this petition be favorably considered.

Respectively,

Richard P. Mettke

 8-18-03

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PETITIONS OFFICE

Note the following is my new contact information:

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Application Number 09/134,831